

● PRINTER RUSH ●
(PTO ASSISTANCE)

Application: 09/939131

Examiner: Siefke

GAU: 1743

From: PRP

Location: (DC) FMF FDC

Date: 9/15/05

Tracking #: EPM 09/939131 Week Date: 8/8/05

DOC CODE	DOC DATE	MISCELLANEOUS
<input checked="" type="checkbox"/> 1449	<u>3/2/05</u>	<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS		<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM		<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW		<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW		<input type="checkbox"/> Other
<input type="checkbox"/> DRW		
<input checked="" type="checkbox"/> OATH	<u>1/25/02</u>	
<input type="checkbox"/> 312		
<input type="checkbox"/> SPEC		

[RUSH] MESSAGE: ① Please provide a clearer oath. Data illegible.

② Please provide a clearer copy of 1449 of 3/2/05
some data illegible.

Thank you

[XRUSH] RESPONSE:

See misc. comm

INITIALS: reb

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.

REV 10/04

**LANXESS Corporation****Fax Coversheet****Date:** October 12, 2005**Number of pages (including this page):** 10**To:** Ms. Rori Burch**From:** Diderico van Eyl**Company:** USPTO
Publication Branch**Div/Dept.:** Law/Intellectual Property**Fax:** 703-746-6830**Fax:** 412-809-1054**Phone:****Phone:** 412-809-2231**DOCKET NO.:** Mo-6954/LeA 34,826
SERIAL NO.: 09/939,131

Please find a copy of a Response, Notice to File Corrected Application Papers, Combined Declaration and Power of Attorney and Information Disclosure Statement w/attached Form PTO 1449..

If you have any questions please call.

[Handwritten signature]
MSL
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PATENT APPLICATION
Mo-6454
LeA 34,826

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
THOMAS KLEIN ET AL) GROUP NO.: 1743
SERIAL NUMBER: 09/939,131) EXAMINER: SAMUEL P. SIEFKE
FILED: AUGUST 24, 2001)
TITLE: POLYASPARTIC ACID CONCEN-)
TRATION DETERMINATION BY)
FLUOROMETRY)

RESPONSE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sirs:

In response to the "Notice to File Corrected Application Papers" dated September 29, 2005, a discussion with Ms. Rori Burch on October 11, 2005, attached are the Oath/declaration and IDS/1449 as requested.

Having now complied with all of the requirements, Applicants request that the file be forwarded for publication.

Respectfully submitted,

By _____

Didierco van Eyl
Attorney for Applicants
Reg. No. 38,641

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an enveloped addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 or facsimile transmitted to the USPTO on the date below.

Didierco van Eyl, Reg. No. 38,641
Name of applicant, licensee or Registered Representative

Signature
October 12, 2005
Date

LANXESS Corporation
Law & Intellectual Property Dept.
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15205-9741
(412) 809-2231
FACSIMILE PHONE NUMBER:
(412) 809-1054
/ksl
S:\Law Shared\SHARED\DV\PATENTS\6454\
Response 10-10-05.doc



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,131	08/24/2001	Thomas Klein	MD-6454/LBA	34,826 2997
34947	7590	09/29/2005	EXAMINER	
LANXESS CORPORATION 111 RIDC PARK WEST DRIVE PITTSBURGH, PA 15275-1112			SIEFKE, SAMUEL P	
		ART UNIT		PAPER NUMBER
		1743		

DATE MAILED: 09/29/2005

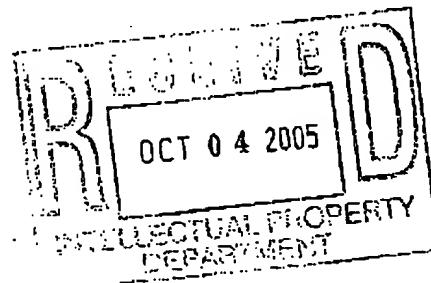
Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

By: KP

Date: 10/5/05

Approved: _____



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Serial Number
09939131

Date Mailed
9/29/05

NOTICE TO FILE CORRECTED APPLICATION PAPERS***Notice of Allowance Mailed***

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- Oath/declaration is illegible.
- IDS/1449 file March 2005, is illegible.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice MUST be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Reid Burch
USPTO
Publishing Division
Fax (703) 746-6830
Fax (703) 308-6642

COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Polyaspartic acid concentration determination
by fluorometry**

the specification of which is attached hereto,

or was filed on August 24, 2001 as

Application Serial No. 09/939,131

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s), the priority(ies) of which is/are to be claimed:

<u>10042498.8</u> (Number)	<u>Germany</u> (Country)	<u>August 30, 2000</u> (Month/Day/Year Filed)
-------------------------------	-----------------------------	--

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose the material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

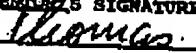
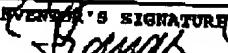
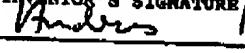
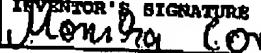
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

LEA 34826-US

ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute and to transact all business in the Patent and Trademark Office connected therewith:

JOSEPH C. GIL, Patent Office Registration Number 26,602 ARON PREIS, Patent Office Registration Number 29,426
 LYNDANNE M. WHALEN, Patent Office Registration Number 29,457 THOMAS W. ROY,
 Patent Office Registration Number 29,582 RICHARD E. L. HENDERSON, Patent Office Registration Number 31,619
 GODFRIED R. AKORILI, Patent Office Registration Number 28,779 N. DENISE BROWN, Patent Office
 Registration Number 36,097 NOLAND J. CHEUNG, Patent Office Registration Number 39,138
 DIDERICO VAN EYL, Patent Office Registration Number 38,641 CAROLYN M. SLOANE, Patent Office
 Registration Number 44,339 JAMES R. FRANKS, Patent Office Registration Number 42,552
 JACKIE ANN ZURCHER, Patent Office Registration Number 42,251
 RAYMOND J. HARMUTH, Patent Office Registration Number 33,896
 all of Bayer Corporation, Pittsburgh, Pennsylvania 15205-9741

Send Correspondence To: Patent Department Bayer Corporation 100 Bayer Road Pittsburgh, Pennsylvania 15205-9741		Direct Telephone Call (412) 777-2349
FULL NAME OF SOLE OR FIRST INVENTOR Thomas KLEIN RESIDENCE 50678 Köln, Germany POST OFFICE ADDRESS Biberstr. 26, 50678 Köln, Germany		INVENTOR'S SIGNATURE  CITIZENSHIP German
FULL NAME OF SECOND INVENTOR Thomas KLAUSA RESIDENCE 69234 Horrenberg, Germany POST OFFICE ADDRESS Ortsstr. 34, 69234 Horrenberg, Germany		INVENTOR'S SIGNATURE  CITIZENSHIP German
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PATENT APPLICATION
Mo-6454
LeA 34,826

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF

THOMAS KLEIN ET AL

SERIAL NUMBER: 09/939,131

FILED: AUGUST 24, 2001

TITLE: POLY ASPARTIC ACID
CONCENTRATION DETERMINATION
BY FLUOROMETRY

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.97(b)

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This disclosure statement under 37 CFR 1.97 & 1.98 is submitted before the first Office Action in order that the Patent and Trademark Office may consider the relevancy of certain information to the invention described and claimed in the subject application, and in compliance with the regulations concerning information disclosure statements. Enclosed are copies of the following:

a) the Search Report received in the corresponding application pending in the International Patent Office; and

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on February 4, 2002
Date

Richard E. L. Henderson, Reg. No. 31,618

Name of applicant, assignee or
Registered Representative

Signature

February 4, 2002

Date

Richard E. L. Henderson

b) the documents cited by the International Patent Office in the Search Report and a corresponding English language equivalent, (except for documents previously submitted) listed on the attached Form PTO 1449.

This Information Disclosure Statement should not be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, that any reference mentioned herein constitutes prior art, or that the references listed, severally or in any combination with one another or with any other information, are believed to render any claim in the subject application *prima facie* unpatentable.

Respectfully submitted,

By Richard E. Henderson
Richard E. L. Henderson
Attorney for Applicants
Reg. No. 31,619

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Mo6454

- 2 -

Sheet 1 of 2

Form PTO 1449 Rev. 7-80		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. Mo-6454/LeA 34,826	Serial No. 09/938,131
		LIST OF PRIOR ART CITED BY APPLICANT (Use Several Sheets If Necessary)		Applicant Thomas Klein et al	
				Filing Date 08/24/01	Group

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,279,945	01/18/94	(Bal. to corresp. to EP Hammel	478,548) 435	24	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							Yes	No*
	AL	0 785 422	07/23/97	European				
	AM	92/07097	04/30/92	World Patent				
	AN	2 152 937	08/14/85	Great Britain				
	AO							
	AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR		
	AS		
	AT		
EXAMINER		DATE CONSIDERED	
EXAMINER Initial if references considered, whether or not citation is in conformance with MPEP 609: Draw line through if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Neither English Language Equivalent nor an English Language Translation is available.

S1Chem Pittsburgh\Law Shared\LANXESS SMARTLIST\IDS\BACKGROUND ART\pto 1449.doc

Sheet 2 of 2

Form PTO 1449 Rev. 7-80 U.S. Department of Commerce Patent and Trademark Office LIST OF PRIOR ART CITED BY APPLICANT (Use Several Sheets If Necessary)			Atty. Docket No. Mo-8454/LeA 34,826	Serial No. 09/989,131
			Applicant Thomas Klein et al	
			Filing Date 08/24/01	Group

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,813,973	08/13/89	Winnik et al	8	647	
	AB	4,839,461	08/13/89	(Bel. to corresp. to EP Boehmke	256,366) 528	383	
	AC	5,128,419	07/07/92	(Bel. to corresp. to EP Fong et al	475,602) 525	351	
	AD	5,292,864	03/08/94	(Bel. to corresp. to WO Wood et al	94/03528) 528	490	
	AE	5,408,028	04/18/95	Wood et al	528	328	
	AF	5,484,860	01/18/96	Wood et al	525	432	
	AG	5,543,490	08/06/96	(Bel. to corresp. to EP Groth et al	604,813) 528	328	
	AH	5,488,088	01/30/96	Wood et al	525	432	
	AI	5,483,004	02/20/96	(Bel. to corresp. to EP Groth et al	650,995) 528	363	
	AJ	5,594,077	01/14/97	(Bel. to corresp. to EP Groth et al	650,995) 525	451	
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							Yes	No*
	AL	0 485 882	05/20/92	Europe				
	AM							
	AN							
	AQ							
	AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	AR	
	AS	
	AT	
		DATE CONSIDERED
		EXAMINER Initial if references considered, whether or not citation is in conformance with MPEP 609. Draw line through if not in conformance and not considered. Include copy of this form with next communication to applicant.

Neither English Language Equivalent nor an English Language Translation is available.

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